

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

NO. 7:22-CV-173-FL

CARLOS A. ALFORD,)
)
Plaintiff,)
)
v.)
)
BILL NELSON, Head of NASA, JIM)
BRIENSTEIN, Hiring Team, and)
CHRISTINE PAULSEN, Hiring Team,)
)
Defendants.)

ORDER

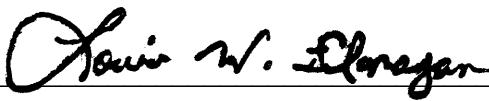
This matter is before the court on plaintiff's failure to respond fully to the court's October 3, 2023, order. On August 29, 2023, the court ruled that service of process for all three defendants was deficient and instructed plaintiff "to provide corrected proposed summons, specifying a residential address for defendants [Jim] Brienstein and [Christine] Paulsen, within 21 days of entry of [that] order" and supplied plaintiff with detailed instructions for providing a proposed summons for defendant Bill Nelson. (DE 33). On October 3, 2023, where the clerk had not received any proposed summons from plaintiff and no filing had been made by him, the court directed plaintiff to show cause within 14 days why the case should not be dismissed for failure to prosecute and failure to follow the court's order. The court directed the clerk to enter judgment in favor of defendant dismissing this case without prejudice on the basis of that order should plaintiff fail to respond.

On October 10, 2023, plaintiff filed a document stating that defendants had already been served, without addressing the deficiencies described in the court's October 3, 2023 order.

Under Federal Rule of Civil Procedure 4(m), the court “must dismiss the action without prejudice” if defendants have not been served properly within 90 days of the filing of complaint and the plaintiff does not show good cause for his failure to meet the deadline.

As of the date hereof, plaintiff has not complied with the court’s order or provided proper summons to the clerk. Plaintiff also has not shown good cause for his failure to meet the service deadline. Accordingly, this action is DISMISSED without prejudice for failure to prosecute and for failure to comply with the court’s order, see Fed. R. Civ. P. 41(b), and in the alternative for lack of good cause shown for failure to meet the service deadline. See Fed. R. Civ. P. 4(m). The clerk is DIRECTED to close this case.

SO ORDERED, this the 4th day of December, 2023.



LOUISE W. FLANAGAN
United States District Judge